

# Memo

**To:** Mayor, Heber City Council, City Engineer, City Planner, City Manager and Staff  
**From:** Burton Lumber & Hardware Co.  
**cc:**  
**Date:** April 23, 2015  
**Re:** Proposed Road Alignments

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## Background

Burton Lumber & Hardware Co. (hereinafter "Burton Lumber") has entered into a real estate purchase contract with Three String Holdings, LLC (hereinafter "TSH") for the purchase of certain property with frontage along Daniel Road in Heber City. As part of its preparation, Burton Lumber considered various site plans for its lumber yard and concluded that the site plan attached as Exhibit "A" was the only plan that worked for its lumber yard given the type and volume of material that is handled by Burton Lumber as well as the nature of their business in general.

While performing its due diligence, Burton Lumber was informed by Heber City of Heber's intent to construct the bypass road that would run between Highway 40 and Highway 189. The construction of this bypass road would require Heber City to take a large portion of the south and west portion of the subject property. If Heber City were to effectively take this portion of the subject property, it would render the property unsuitable for Burton Lumber for its intended use of the property.

## Problems Raised By The Proposed Bypass Road

1. Shifting Site East — If the bypass road is approved, Burton Lumber would need to shift its site to the east and such a shift would raise additional problems that would make such a shift unacceptable to Burton Lumber, the Probst's and likely the City.
  - a. Burton Lumber's site would need to be moved east approximately 100 – 150 feet requiring the City to purchase not only the 2 to 2.5 acres for the setbacks and road construction, but an estimated additional 1 to 1.5 acres of the Probst property to secure sufficient setback property along Daniel Road for the bypass road and to accommodate the property line for the Burton property moving that same distance to the east.

- b. The cost of a road would increase exponentially if it is determined a bypass road should be constructed rather than a "T" intersection because the City would need to purchase approximately 4 acres from the Probst's and possibly the entire parcel due to the bypass road rendering the entire parcel unusable for the Probst's intended use.
  - c. The Probst's would be left with a parcel of approximately 4.25 to 4.5 acres which area is unacceptable to the Probst's according to their future plans.
  - d. The property to the east that would need to be occupied by Burton Lumber has various environmental concerns that would then become Burton Lumber's problem and this is unacceptable to Burton Lumber.
  - e. The City would own a 150-foot-by-344-foot piece of property fronting on Daniel Road that would need to be properly maintained. This abnormally large setback would also make Burton Lumber's property appear very unusual to passersby and would remain so for a yet to be determined period of time, but probably 5-15 years, or more.
2. There would be no safe or suitable access to the subject property because access would need to be provided on one of the bypass curves. Burton Lumber will have loaded trucks and semis coming in and out of the property which is unsafe on the bypass road, and certainly unsafe, if not impossible on the curved portion of the bypass road.
3. Burton Lumber has reviewed its site plan and has determined that no other configuration works. For example, even if the site is rearranged with Burton Lumber's store front facing south, it would still require Burton Lumber to have eventual access for ingress and egress on the bypass curve because Burton Lumber's site currently requires access onto Daniel Road. Burton Lumber cannot configure its site for access to and from the south based upon a bypass road that does not yet exist.

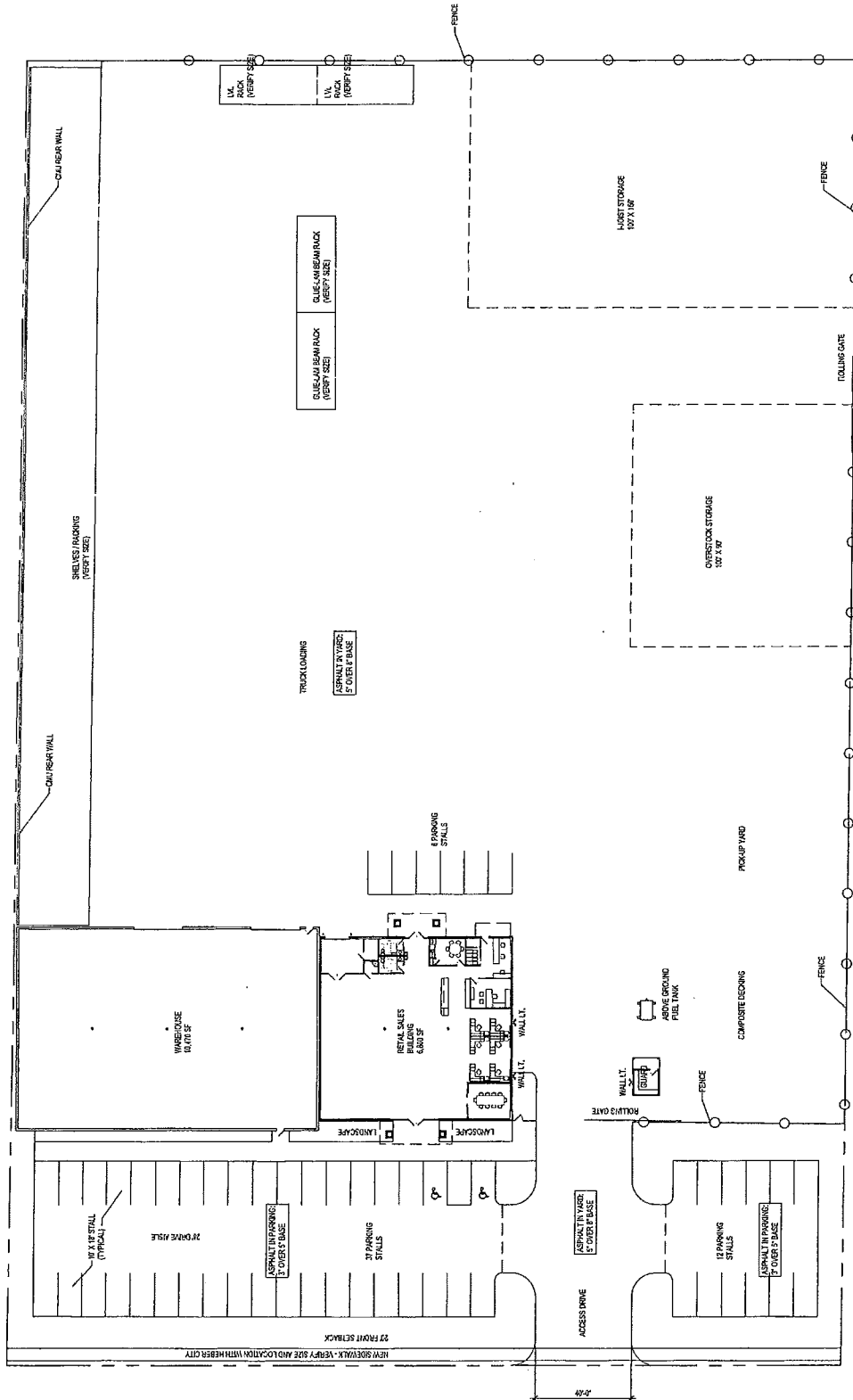
Based on the foregoing reasons, the proposed bypass road will not work for Burton Lumber's use of the subject property as a lumber yard. Burton Lumber's original understanding that nothing, or a "T" intersection, would be constructed is acceptable to Burton Lumber and allows for Burton Lumber's intended use.

# EXHIBIT "A"

**GENERAL NOTES**  
 A CONCEPTUAL DESIGN BASED ON SURVEY PROVIDED  
 BY OWNER, VERIFY ACTUAL SITE CONDITIONS PRIOR  
 TO PROCEED WITH CONSTRUCTION  
 1. VARIOUS TYPES OF ASPHALT OVER F ROAD BASE  
 2. VARIOUS TYPES OF ASPHALT OVER F ROAD  
 3. GENERAL PARKING PAVING T ASPHALT OVER F ROAD  
 BASE

**BURTON LUMBER  
 CONCEPTUAL PLAN  
 HEBER, UTAH**

**OTM**  
 CURTIS MINNER  
 ARCHITECT  
 2010 W. 1000 S. SUITE 100  
 HENDON, UT 84031  
 PHONE: 435.438.1147  
 FAX: 435.438.1148  
 WWW.OTMARCHITECT.COM



**SITE PLAN CONCEPT 'D'**  
 SCALE 1" = 20'-0"

**DANIEL ROAD**